

105TH CONGRESS
1ST SESSION

S. 1527

To encourage and to assist in the permanent settlement of all litigation and other claims to the waters of the Walker River Basin and to conserve and stabilize the water quantity and quality for fish habitat and recreation in the Walker River Basin, consistent with the Walker River Decree issued by the United States District Court for the District of Nevada.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 1997

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To encourage and to assist in the permanent settlement of all litigation and other claims to the waters of the Walker River Basin and to conserve and stabilize the water quantity and quality for fish habitat and recreation in the Walker River Basin, consistent with the Walker River Decree issued by the United States District Court for the District of Nevada.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Walker River Basin
3 Act of 1997”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are—

6 (1) to facilitate efforts to negotiate the perma-
7 nent settlement of all litigation and other claims to
8 the waters of the Walker River Basin, including
9 those of the Walker River Paiute Tribe and Walker
10 Lake;

11 (2) to encourage an equitable apportionment of
12 the waters of the Walker River between California
13 and Nevada;

14 (3) to direct the management of water rights
15 acquired by the United States on the Walker River;

16 (4) to protect the fish and wildlife associated
17 habitats in the Walker River Basin of California and
18 Nevada;

19 (5) to stabilize the water quality and quantity
20 of Walker Lake at acceptable levels;

21 (6) to protect recreation resources associated
22 with the Walker River and its reservoirs, and Walker
23 Lake;

24 (7) to protect and preserve agriculture in the
25 Walker River Basin; and

26 (8) to enhance stream flows.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **LOCALLY AFFECTED INTERESTS.**—The
4 term “locally affected interests” means, collectively,
5 Mineral County of Nevada, the Walker River Basin
6 Water Users Association, the Walker River Irriga-
7 tion District, the Walker River Paiute Indian Tribe,
8 and Mono County, California.

9 (2) **SECRETARY.**—The term “Secretary” means
10 the Secretary of the Interior.

11 (3) **WALKER RIVER BASIN.**—The term “Walker
12 River Basin” means the hydrologic area that natu-
13 rally drains into the Walker River or Walker Lake,
14 located in Mineral County, Nevada.

15 (4) **WALKER RIVER DECREE.**—The term
16 “Walker River Decree” means the final decree in the
17 case of United States v. Walker River Irrigation
18 District, United States District Court for the Dis-
19 trict of Nevada, Equity No. C–125, filed April 15,
20 1936, as amended April 24, 1940.

21 (5) **WALKER RIVER BASIN WATER USERS ASSO-**
22 **CIATION.**—The term “Walker River Basin Water
23 Users Association” means a nonprofit corporation
24 whose membership includes irrigators in California
25 and Nevada who possess water rights pursuant to

1 the Walker River Decree, but not including the
2 Walker River Paiute Tribe.

3 **SEC. 4. SETTLEMENT OF WALKER RIVER CLAIMS.**

4 (a) IN GENERAL.—The Secretary, the locally affected
5 interests, the State of Nevada, and the State of California
6 shall initiate negotiations to explore the potential for com-
7 prehensive and permanent settlement of all claims to the
8 waters of the Walker River, in California and Nevada.

9 (b) REPORT.—If the terms of any settlement nego-
10 tiated under subsection (a) require legislation by Con-
11 gress, the Secretary shall submit to Congress a report de-
12 scribing the necessary legislation.

13 **SEC. 5. STUDIES AND PROJECTS.**

14 (a) FEDERAL ASSISTANCE.—

15 (1) IN GENERAL.—To assist the locally affected
16 interests and the States of Nevada and California in
17 negotiating a settlement under section 4, the Sec-
18 retary may provide funds and technical assistance
19 for the development and implementation of studies,
20 pilot projects, or long-term projects, including stud-
21 ies and projects for the following purposes:

22 (A) In accordance with Nevada law, Cali-
23 fornia law, and other applicable law, a locally
24 managed Walker River water bank to facilitate
25 voluntary water transfers (including the trans-

1 fer of water to facilitate water conservation
2 under paragraph (2)) within the Walker River
3 Basin in the States of Nevada and California.

4 (B) Water conservation, compatible with
5 local land use, designed to encourage the locally
6 affected interests to voluntarily conserve water
7 in the Walker River Basin.

8 (C) Enhancement of stream flows through
9 phreatophyte control and debris control and re-
10 moval on the Walker River and in Walker Lake,
11 to protect and improve water quality in Walker
12 Lake and to improve the efficiency of agricul-
13 tural water use.

14 (D) Improvement of agricultural water
15 management practices in the Walker River
16 Basin.

17 (E) Improvement of water quality in Walk-
18 er Lake through the construction and operation
19 of facilities designed to address problems in
20 Walker Lake associated with decreased oxygen
21 and increased salinity.

22 (F) A program to allow any or all of the
23 locally affected interests to extract and use
24 ground water in place of surface water entitle-
25 ments.

1 (G) A ground water recharge program.

2 (H) A facility to assist in acclimating
3 Lahanton cutthroat trout to Walker Lake.

4 (I) A program to facilitate the purchase
5 and transfer of water rights for use in Walker
6 Lake or to otherwise benefit the environmental
7 needs of the Walker River system.

8 (2) PARTICIPATION IN WATER BANK BY THE
9 TRIBE.—The Walker River water bank under para-
10 graph (1)(A) may include water held by the Walker
11 River Paiute Indian Tribe pursuant to reserved
12 water rights confirmed in the Walker River Decree,
13 or other water rights held by the Walker River Pai-
14 ute Indian Tribe. The Walker River Paiute Indian
15 Tribe shall be entitled to both purchase from and
16 transfer water to the Walker River Water Bank.

17 (b) FEDERAL SHARE.—

18 (1) IN GENERAL.—The Federal share of the
19 cost of a study or project under subsection (a) shall
20 be 75 percent, with the remaining 25 percent allo-
21 cated among the locally affected interests and the
22 State of California and the State of Nevada.

23 (2) IN-KIND SERVICES.—The locally affected in-
24 terests may pay all or a portion of the non-Federal
25 share of costs in the form of in-kind services.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There is authorized to be
3 appropriated to the Secretary to fund studies, pilot
4 projects, and long-term projects under subsection (a)
5 \$10,000,000.

6 (2) AVAILABILITY.—Funds made available
7 under this section shall remain available until ex-
8 pended.

9 **SEC. 6. WATER RIGHTS HELD BY THE UNITED STATES.**

10 (a) IN GENERAL.—If the Secretary or any other de-
11 partment or agency of the United States has acquired or
12 in the future acquires water from or water rights in the
13 Walker River and its tributaries, the water and water
14 rights—

15 (1) may not be changed except in compliance
16 with the administrative rules and regulations regard-
17 ing the change of point of diversion, manner of use,
18 or place of use of water of the Walker River and its
19 tributaries adopted pursuant to the Walker River
20 Decree;

21 (2) shall be managed by the Secretary or other
22 department or agency for purposes consistent with
23 this Act, including the use of water to augment
24 instream flows for use within the Walker River
25 Water Bank or to otherwise benefit Walker Lake,

1 after consultation with the State of Nevada and the
2 State of California to ensure compliance with appli-
3 cable State laws;

4 (3) may not be changed without the approval of
5 the Walker River Irrigation District, if the change
6 involves stored water from Bridgeport or Topaz Res-
7 ervoirs; and

8 (4) if the rights are appurtenant to land within
9 the boundaries of the Walker River Irrigation Dis-
10 trict, may not be exercised for any purpose unless
11 the United States has paid all assessments associ-
12 ated with the land and water rights to the Walker
13 River Irrigation District.

14 (b) APPLICABILITY.—Subsection (a) does not apply
15 to water rights held or acquired by the United States in
16 trust for the Walker River Paiute Indian Tribe.

17 **SEC. 7. MORATORIUM.**

18 (a) IN GENERAL.—Until the date that is 1 year after
19 the date of enactment of this Act and during the period
20 in which a study or pilot project under section 5(a) is un-
21 dertaken, no court or administrative tribunal shall have
22 jurisdiction to hear or determine a claim or matter related
23 to a claim for additional water for the Walker River Indian
24 Reservation or for Walker Lake or a claim to amend the
25 Walker River Decree in any manner.

1 (b) TOLLING.—Any applicable period of limitation
2 shall be tolled during the moratorium period under sub-
3 section (a).

4 (c) NO LIMITATION ON JURISDICTION.—Nothing in
5 this Act affects the jurisdiction of the United States Dis-
6 trict Court for the District of Nevada to ensure that own-
7 ers of water rights recognized in the Walker River Decree
8 receive the quantity of water to which the owners are enti-
9 tled under the Decree.

10 **SEC. 8. ACCESS TO INFORMATION.**

11 No person may use information furnished in connec-
12 tion with or derived from a study or pilot project under
13 section 5(a) for any purpose (including introduction as evi-
14 dence in any court or administrative proceeding) except
15 the purpose of facilitating settlement under section 4.

16 **SEC. 9. COMPLIANCE WITH WALKER RIVER DECREE.**

17 The Secretary shall not take any action that would
18 undermine, contradict, or diminish the water rights con-
19 firmed in the Walker River Decree other than action that
20 the Secretary determines is necessary and within the au-
21 thority of the Secretary as trustee for the Walker River
22 Paiute Indian Tribe and members of the Tribe.

23 **SEC. 10. EXISTING AUTHORITY.**

24 Except as provided in section 7, nothing in this Act
25 affects the authority of the Secretary, the Walker River

1 Paiute Indian Tribe, the State of Nevada, or the State
2 of California in existence on the date of enactment of this
3 Act.

